IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10585 of 2002

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

CHANDULAL MANILAL VAISHANAV

Appearance:

1. Special Civil Application No. 10585 of 2002

MR KS JHAVERI for the Petitioner

MR RC KAKKAD for the Respondent

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date of decision: 04/11/2003

ORAL JUDGEMENT

Heard the learned advocates.

With the consent of the learned advocates the matter is heard finally and disposed of today.

The petitioner - Gujarat State Road Transport Corporation (hereinafter referred to as 'the Corporation') challenges the order dated 9th September, 2001 made by the Conciliation Officer, Ahmedabad.

It appears that the respondent - workman had been serving in the Corporation as a Bus Conductor. While in service he remained absent from service without leave or even intimation for a long period of 11 months. A disciplinary action was initiated against the workman for unauthorized absence. The charge having been proved against the workman he was dismissed from service by order dated 18th August, 2000.

In view of the proceedings pending before the Conciliation Officer an application for approval as envisaged under Section 33(2)(B) of the Industrial Disputes Act, 1947 was made before the Conciliation Officer. The said application has been rejected under the impugned order dated 9th September, 2001. Therefore, the present petition.

It is apparent that the Conciliation Officer has not decided the application for approval on merits. It is recorded that on particular dates of hearing the petitioner - Corporation did not remain present before the Conciliation Officer. The Conciliation Officer, therefore, concluded that the Corporation was not interested in the said application and rejected the same accordingly.

On the facts and in the circumstances of the case the petition is allowed. The impugned order dated 9th September, 2001 made by the Conciliation Officer is quashed and set aside. The Approval Application No.582/2000 is remanded to the Conciliation Officer for hearing and decision on merits.

It is clarified that both the parties i.e. the Corporation and the workman shall scrupulously attend the hearing before the Conciliation Officer and shall not ask for avoidable adjournments.

Rule is made absolute in the above terms with costs.

The cost is quantified at Rs.1,500=00. The amount of cost shall be paid to the workman within four

weeks from today. Records and proceedings be returned forthwith.

(Ms. R.M.Doshit, J.)

/sakkaf